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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/719,639	09/25/1996	SHANE D. MATTAWAY	N0003/7013	9685
23838	7590	02/20/2004	EXAMINER	
KENYON & KENYON 1500 K STREET, N.W., SUITE 700 WASHINGTON, DC 20005			HSU, ALPUS	
		ART UNIT	PAPER NUMBER	
		2665	DATE MAILED: 02/20/2004	
				47

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	08/719,639	MATTAWAY ET AL.
	<b>Examiner</b> Alpus H. Hsu	<b>Art Unit</b> 2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 November 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 33 is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

1. In the entire specification, the applicant is requested to **update** the status from time to time for all of the listed related co-pending applications.
2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The newly claimed subject matter of having “terminal device processing unit” as in claims 1, 12 and 23 does not have proper antecedent basis in the disclosure. To be more specific, it is the generic term of “processing unit” being recited in the specification not “terminal device processing unit”.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103<sup>©</sup> and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 12, 23, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oberlander et al. in U.S. Patent No. 5,825,865 (of record) in view of Gordon in U.S. Patent No. 5,608,786 (of record) and Toth et al. in U.S. Patent No. 5,708,655 (of record).

By broadly interpreting the message including message descriptor transmitted as the claimed call packet, the controller (or computer) (104) as the claimed processing unit, and the network (101) utilizing processing unit (104) and databases (706 and 106) for processing the message as the claimed packet-switched computer network, Oberlander et al. discloses a method, apparatus and computer program product for selectively alerting user of an incoming communication over a packet-switched computer network (101, 104 and 106) by receiving an incoming communication containing an information profile (300) identifying the source of the incoming communication, and responding to the incoming communication in accordance with the identity of the source, providing source physical address or telephone number in the information profile for temporary message routing (see Figs. 1-5, col. 3, line 33 to col. 8, line 50) as in claims 1, 12, 23, 31 and 32.

Oberlander et al. fails to disclose the features of having call packets generated from telephony processes, which have dynamically assigned Internet protocol addresses, and having a central server for storing the dynamically assigned protocol addresses to establish an Internet telephony communication between the telephony processes as claimed. But Oberlander et al. does disclose the call packets can be of the types of paging message, FAX message, ISDN message and/or E-Mail. It is also well known in the art for dynamically routing these messages via Internet, providing these messages to include temporary IP addresses in the header. It is also

well known in the art to include a connection server for storing IP addresses for Internet telephony communication.

Gordon, from the similar field of endeavor, provides the teaching of routing paging message, FAX message, ISDN message and/or E-Mail via Internet with each of these messages including IP addresses in the header, and providing an Internet access provider (8), which inherently includes a connection server for storing IP addresses for Internet telephony communication (see col. 1, line 66 to col. 3, line 63, col. 5, line 12 to col. 6, line 33, and claims 1, 9 & 11), and Toth et al., also from the similar field of endeavor, teaches the dynamically assigned IP protocol addressing scheme (see the abstract, col. 3, line 66 to col. 4, line 27), both of which can be easily adopted by one of ordinary skill in the art to implement in the system of Oberlander et al. to increase the system flexibility and performance.

5. Claims 2-11, 13-22, 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oberlander et al. in view of Gordon and Toth et al., as applied to claims 1, 12, 23 and 31, and further in view of Blonder et al. in U.S. Patent No. 5,708,422 (all of records).

Considering claims 2-8, 13-19, 24-30, the system provided from the teaching of Oberlander et al. in view of Gordon and Toth et al. does not teach the generation of a notification signal, nor its association with the information profile. Blonder et al. teaches a method and apparatus for using a communication system to alert a transaction user by including a database for receiving information and storing a profile, including a processor for retrieving the profile from the database and comparing information associated with the profile, and a network, over which a notification signal is transmitted (see Fig. 1, col. 5, lines 33-47, col. 7, lines 21-39). It would have been obvious to one of ordinary skill in the art at the time of invention was made to

modify the invention of Oberlander et al. to include the notification signal found in the teaching of Blonder et al. because of the advantage that it allows the system to be equipped with device for notifying the user and accommodates a wide variety of communication platforms, and allows the user to better control reception of incoming messages to best suit their own particular needs (see Oberlander et al., col. 2, lines 11-16).

Considering claims 9-11, 20-22, the combination of system and method provided from the teaching of Oberlander et al. in view of Gordon and Toth et al. and Blonder et al. also fails to teach a notification signal as being an audio signal, a graphic image signal or a haptic sensor signal. The examiner takes Official Notice that the concept and the advantage of providing a notification signal which includes an audio signal, a graphic image signal or a haptic sensor signal are well known and expected in the art. It would have been obvious to include audio signal, graphic image signal or haptic sensor signal to the notification signal provided from the teaching of Oberlander et al. in view of Gordon and Toth et al. and Blonder et al. since the audio, graphic image signal and haptic sensor signal are known to provide the user with auditory, visual and sensible feedback to the communication system for user alerting purpose.

6. Claim 33 is allowed.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (703)305-4377. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (703)308-6602. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH



Alpus H. Hsu  
Primary Examiner  
Art Unit 2665